

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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THE GUARDIAN NEWS,

Plaintiff,

-against-

TOWN OF NORTH SALEM,

Defendant.  
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**ANSWER**

Docket No.  
07 Civ. 3803 (CLB)

Defendant, by its attorneys, MIRANDA SOKOLOFF SAMBURSKY SLONE  
VERVENIOTIS LLP, as and for its answer to the complaint in the above-captioned matter, sets forth  
as follows:

1. Denies the allegations contained in ¶ “1” of the complaint, and refers all questions of  
law to the Court for adjudication.
2. Denies the allegations contained in ¶ “2” of the complaint, and refers all questions of  
law to the Court for adjudication.
3. Denies knowledge or information sufficient to form a belief as to the allegations  
contained in ¶ “3” of the complaint.
4. Denies the allegations contained in ¶ “4” of the complaint, and refers all questions of  
law to the Court for adjudication.

**AS AND FOR A RESPONSE TO  
PLAINTIFF’S FIRST CLAIM**

5. As and for a response to the allegations contained in ¶ “5” of the complaint, defendant  
repeats and realleges its responses to the allegations contained in ¶¶ “1” through “4” of the  
complaint, as though fully set forth herein.

6. Denies the allegations contained in ¶ “6” of the complaint, and refers all questions of law to the Court for adjudication.

**AS AND FOR A RESPONSE TO  
PLAINTIFF’S SECOND CLAIM**

7. As and for a response to the allegations contained in ¶ “7” of the complaint, defendant repeats and realleges its responses to the allegations contained in ¶¶ “1” through “6” of the complaint, as though fully set forth herein.

8. Denies the allegations contained in ¶ “8” of the complaint, and refers all questions of law to the Court for adjudication.

**AS AND FOR A RESPONSE TO  
PLAINTIFF’S THIRD CLAIM**

9. As and for a response to the allegations contained in ¶ “9” of the complaint, defendant repeats and realleges its responses to the allegations contained in ¶¶ “1” through “8” of the complaint, as though they were fully set forth herein.

10. Denies the allegations contained in ¶ “10” of the complaint, and refers all questions of law to the Court for adjudication.

**FIRST AFFIRMATIVE DEFENSE**

11. Plaintiff’s complaint fails to state a claim upon which relief may be granted.

**SECOND AFFIRMATIVE DEFENSE**

12. Plaintiff’s complaint is barred by the statute of limitations.

**THIRD AFFIRMATIVE DEFENSE**

13. Plaintiff’s constitutional rights were not deprived pursuant to a policy, practice, custom, or procedure of the Town of North Salem.

**FOURTH AFFIRMATIVE DEFENSE**

14. Plaintiff lacks standing.

**FIFTH AFFIRMATIVE DEFENSE**

15. This case, in whole or in part, is not ripe.

**SIXTH AFFIRMATIVE DEFENSE**

16. This case, in whole or in part, does not present a case or controversy.

**SEVENTH AFFIRMATIVE DEFENSE**

17. The challenged legislation represents a reasonable time, place, and manner regulation.

**EIGHTH AFFIRMATIVE DEFENSE**

18. Plaintiff cannot identify any similarly situated persons or entities who are treated more favorably under the challenged legislation.


**NINTH AFFIRMATIVE DEFENSE**

19. Plaintiff may not recover punitive damages against a municipality.

Dated: Mineola, New York  
June 21, 2007

MIRANDA SOKOLOFF SAMBURSKY  
SLONE VERVENIOTIS LLP  
Attorneys for Defendant

By: \_\_\_\_\_

  
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